

**SENATE AMENDMENT 1,
TO SENATE AMENDMENT 1,
TO 2009 SENATE BILL 2**

February 10, 2009 – Offered by Senators COGGS and KREITLOW.

1 At the locations indicated, amend the amendment as follows:

2 **1.** Page 2, line 22: delete that line and substitute:

3 “**SECTION 8d.** 109.09 (2) (c) 1. ag. of the statutes is created to read:

4 109.09 **(2)** (c) 1. ag. “Consumer price index” means the average of the consumer
5 price index over each 12-month period for all urban consumers, U.S. city average,
6 as determined by the bureau of labor statistics of the U.S. department of labor.

7 **SECTION 9d.** 109.09 (2) (c) 1m. of the statutes is amended to read:”.

8 **2.** Page 3, line 1: delete “subd.” and substitute “~~subd.~~ subds. 1r. and”.

9 **3.** Page 3, line 11: after that line insert:

10 “**SECTION 9m.** 109.09 (2) (c) 1r. of the statutes is created to read:

11 109.09 **(2)** (c) 1r. Except as provided in this subdivision, a lien under par. (a)
12 does not take precedence over a lien of a commercial lending institution against the

1 employer that is perfected before the lien under par. (a) is perfected. Subject to subds.
2 2. and 3., a lien under par. (a) takes precedence over a lien of a commercial lending
3 institution against the employer that is perfected before the lien under par. (a) is
4 perfected only as to the first \$10,950 or an amount determined by the department
5 under subd. 4. of unpaid wages covered under the lien.”.

6 **4.** Page 4, line 10: delete “subd.” and substitute “~~subd.~~ subds. 1r. and”.

7 **5.** Page 4, line 17: delete “subd.” and substitute “~~subd.~~ subds. 1r. and”.

8 **6.** Page 4, line 20: delete “is perfected.” and substitute “is perfected.”.

9 **7.** Page 4, line 21: before that line insert:

10 “**SECTION 11m.** 109.09 (2) (c) 4. of the statutes is created to read:

11 109.09 **(2)** (c) 4. Beginning on January 1, 2011, the department shall annually
12 adjust the amount specified in subd. 1r. by calculating the percentage difference
13 between the consumer price index for the 12–month period ending on June 30 of the
14 preceding year and the consumer price index for the 12–month period ending on June
15 30, 2009, and adjusting that amount by that percentage difference. Notwithstanding
16 s. 227.10 (1), the department need not promulgate those annual adjustments as rules
17 under ch. 227. An adjusted amount under this subdivision shall first apply to a lien
18 under par. (a) that is perfected on January 1 of the year in which the adjustment is
19 made. This subdivision does not apply if the consumer price index for the 12–month
20 period ending on June 30 of the current year has not increased over the consumer
21 price index for the 12–month period ending on June 30 of the preceding year.”.

22 (END)